

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

IN RE:

DAVID T. SCHWARTZ, M.D.
Respondent

Case No.: B-01-80051

ORDER CLOSING CASE

The parties appeared for a pretrial conference on January 22, 2002, and announced that they had reached a settlement agreement that they would be submitting to the Board of Medicine for its approval.¹ At the conference, the parties suggested that they would submit the settlement agreement to me so that I could recommend its approval to the Board of Medicine. In the absence of an evidentiary hearing, however, an administrative law judge ordinarily has no factual or legal basis for making any recommendation. See 17 DCMR 4114.3. (ALJ must issue recommended decision “[a]fter hearing the evidence.”) The parties, therefore, must submit their settlement agreement directly to the Board for its approval. Such approval would be a final disposition of the disciplinary proceedings against Respondent.

The parties’ proposed settlement means that there is no further action required of an administrative law judge in this matter at this time, unless the Board rejects the settlement and

¹ Approving the settlement and dismissing this case would be a final disposition of this disciplinary matter. Because the delegation of hearing authority in this matter does not include “the power to render a final decision,” 17 DCMR 4114.2, I have no authority to approve the settlement and to dismiss the disciplinary proceedings.

orders the case to proceed. Therefore, this case will be closed by the Office of Adjudication and Hearings.

Accordingly, it is, this _____ day of _____, 2002:

ORDERED, that this case shall be marked **CLOSED** by the Clerk; and it is further

ORDERED, that the parties shall submit their proposed settlement agreement to the Board of Medicine for its approval; and it is further

ORDERED, that the Clerk shall forward a copy of this Order to the Board of Medicine.

/s/ **1/23/02**

John P. Dean
Administrative Judge